SENATE JOURNAL

February 1, 2005

SIXTEENTH DAY

MORNING SESSION

The Senate was called to order at 10:10 a.m., with President John Valentine presiding.

Prayer - Bill Bailey, President, Mount Olympus Waters Stake

Pledge of Allegiance – Senator Karen Hale

Roll Call - All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2005

The House passed, **S.B. 9**, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, by Senator M. Dmitrich, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 9 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: January 31, 2005

The House passed, as amended, **H.B. 9**, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 53**, TAX TREATMENT OF PERSONAL PROPERTY, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed **H.B. 171**, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, by Representative R. Wheeler, and it is transmitted for consideration: and

The House passed, as substituted, **H.B. 190**, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 191**, CAPTIVE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 9, H.B. 53, H.B. 171, H.B. 190, and H.B. 191 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 31, 2005

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

H.B. 60 Producer Licensing Amendments (Rep. J. Dunnigan)H.B. 195 Insurance Law Amendments (Rep. J. Dunnigan)

Education Committee

H.B. 183 Verification of Eligibility for Fee Waivers

(Rep. W. Harper)

H.C.R. 6 Resolution Recognizing Utah's Legislators Back to

School Program (Rep. M. Dayton)

Government Operations and Political Subdivisions Committee

S.B. 162 Changes to 2004 General Obligation Bond

(Sen. R. Allen)

S.B. 163 Capitol Preservation Board Amendments (Sen. B. Evans)

Health and Human Services Committee

S.B. 165 Child Welfare Services (Sen. P. Hellewell)

Natural Resources, Agriculture, and Environment Committee

H.B. 160 Wildlife License Agents Amendments (Rep. J. Fisher)

Revenue and Taxation Committee

S.B. 164 Individual Income Tax – Subtraction for Live Organ

Donation Expenses (Sen. K. Hale)

S.B. 166 Prohibition Against Certain Low–level Radioactive Waste

(Sen. P. Arent)

H.B. 69 Federal Health Care Tax Credit Program Act (Rep. C. Oda)

Michael Waddoups Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 31, 2005

The Rules Committee recommends the following resolution be placed at the bottom of the Second Reading Calendar.

S.J.R. 13 Joint Resolution Amending Interim Legislative Rules (Sen. M Waddoups)

Michael Waddoups Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

January 31, 2005

The Business and Labor Committee reports a favorable recommendation on **S.B. 39**, CONSUMER CREDIT PROTECTION, by Senator C. Walker; and

The Business and Labor Committee recommends **S.B. 48**, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, by Senator P. Arent, be replaced and favorably recommends **1st Sub. S.B. 48**, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS with the following amendments:

- 1. Page 4, Line 118 through Page 6, Line 150:
 - 118 (5) Notwithstanding Subsections (2) and (4), an insurer may not cancel or fail to renew
 - 119 {-<u>an insurance policy</u> } <u>the following personal lines</u> <u>insurance policies</u> <u>solely on the basis of:</u>
 - 120 (a) in the case of a motor vehicle insurance policy:
 - (i) a claim from the insured that:
 - 122 (A) results from an accident in which the insured is not at fault; and

Day 16

- 123 (B) is the only claim meeting the condition of Subsection (5)(a)(i)(A) within a 124 36—month period; 125 (ii) a single traffic violation by an insured that: 126 (A) is a violation of a speed limit under Title 41, Chapter 6, Traffic Rules and 127 Regulations; (B) is not in excess of ten miles per hour over the speed limit; 128 (C) {-school_zone } {**-(B)** } is not a traffic violation under : (I) Subsection 41-6-46 (1); Section 41–6–48.5; **or** <u>(II</u>) (III) Section 41-6-49; and 129 { <u>(C)</u> is not in excess of ten miles per hour over the speed limit: and } 130 (D) is the only violation meeting the conditions of Subsections (5)(a)(ii)(A) through 131 (C) within a 36-month period; 132 (iii) a claim for damage that: 133 (A) results solely from: 134 (I) wind:
- (III) lightning; or 137 (IV) an earthquake:

(II) hail:

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- 138 (B) is not preventable by the exercise of reasonable care; and
- 139 (C) is the only violation meeting the conditions of Subsections (5)(a)(iii)(A) and (B)
- 140 within a 36-month period; and
- (b) in the case of a 141 {-residential dwelling liability } **homeowner's** insurance policy, a claim by the insured
- 142 that is for damage that:
- (i) results solely from: 143

- 144 (A) wind;
- 145 (B) hail; $\{-\underline{\mathbf{or}}\}$
- 146 (C) lightning; or
 - (D) fire;
- (ii) is not preventable by the exercise of reasonable care; and
- 148 (iii) is the only {-**violation** -} **claim** meeting the conditions of Subsections (5)(b)(i) and (ii) within
- 149 <u>a 36-month period.</u>
- 150 [(5)] (6) (a) (i) Subject to Subsection [(5)] (6)(b), if the insurer offers or purports to ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 52**, PRICE CONTROLS DURING EMERGENCIES ACT, by Senator P. Arent, with the following amendments:

- 1. Page 4, Lines 99 through 100:

 - 100 proving that the person meets the requirements of Subsections (2)(a) and (b).
 - -} shall provide documentation to the division that the person is in compliance with this chapter. ; and

Scott K. Jenkins, Chair

Mr. President:

January 31, 2005

The Health and Human Services Committee reports a favorable recommendation on **S.B. 55**, ACCESS TO PATIENT MEDICAL RECORDS, by Senator P. Arent; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 72**, CHILD WELFARE AMENDMENTS, by Senator D. Eastman, with the following amendments:

- 1. Page 1, Lines 17 through 19:
 - 17 " provides that a child and family plan may only include requirements that:

- address findings made by the court; or
- are requested or approved by a parent or guardian of the child _ and are agreed to by the division and the guardian ad litem ;
- 2. Page 11, Lines 322 through 323
- 322 (b) The interdisciplinary team described in Subsection (2)(a) shall include $\{--\}$, but is not
- 323 limited to, $\{-\frac{1}{2}\}$ representatives from the following fields:
- 3. Page 13, Line 398 through Page 14, Line 401
- 398 (h) For purposes of Subsection (7)(d), a child and family plan may only include
- 399 requirements that:
- 400 (i) address findings made by the court; or
- 401 (ii) (A) are requested or consented to by a parent or guardian of the child $\{-\frac{1}{2}\}$; and
- $\underline{\text{(B)} \quad \text{are agreed to by the division and the guardian ad}} \\ \underline{\text{litem.}}$

; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 142**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, with the following amendments:

- 1. Page 1, Line 25:
 - 25 58–17b–503, as enacted by Chapter 280, Laws of Utah 2004 **58–17b–609, as enacted by Chapter 280, Laws of Utah 2004**
- 2. Page 17, Lines 512 through 513:
 - 512 (f) accepting back and redistribution of the drug complies with Federal Food and Drug
 - 513 Administration and Drug Enforcement Administration regulations.

 Section 6. Section 58–17B–609 is amended to read:
 - 58–17b–609. Limitation on prescriptions and refills Controlled Substances Act not affected Legend drugs.
 - (1) A prescription for any prescription drug or device may

not be dispensed after one year from the date it was initiated except as otherwise provided in Chapter 37, Utah Controlled Substances Act.

- (2) A prescription authorized to be refilled may not be refilled after one year from the original issue date.
- (3) A practitioner may not be prohibited from issuing a new prescription for the same drug orally, in writing, or by electronic transmission.
- (4) Nothing in this chapter affects Chapter 37, Utah Controlled Substances Act.
- (5) {-Prescriptions-} A prescription for a legend drug written by a licensed prescribing practitioner in another state may be filled or refilled by a pharmacist or pharmacy intern in this state {-, and-} if the pharmacist or pharmacy intern {-knows the prescribing practitioner holds a current license-} verifies that the prescription is valid .

Renumber remaining sections accordingly; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 145**, PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 147**, PSYCHOLOGIST LICENSING ACT AMENDMENTS, by Senator E. Mayne.

Allen M. Christensen, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B.** 39, 1st Sub. S.B. 48, as amended, S.B. 52, as amended, S.B. 55, S.B. 72, as amended, S.B. 142, as amended, S.B. 145, and S.B. 147were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- S.B. 161, Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 176, Programs and Facilities Licensing Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.B. 177, Increase Statute of Limitations on Rape** (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 182, Veterinary Practice Act – Exemptions (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 98. MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Christensen
Davis	Eastman	Evans	Fife
Hale	Hatch	Hellewell	Hickman
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Waddoups
		=	-

Walker Valentine

Voting in the negative were: Senators

Jenkins **Thomas**

Absent or not voting were: Senators

Bramble	Buttars	Dmitrich	Hillyard

Julander

S.B. 98 was transmitted to the House for consideration.

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1st Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars Hillyard Julander

1st Sub. S.B. 108 was transmitted to the House for consideration.

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S.B. 120, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, was read the third time and explained by Senator Hatch. Senator Arent commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
Peterson	Stephenson	Thomas	Waddoups

Walker Valentine

Absent or not voting were: Senators

Buttars Hillyard Julander

S.B. 120 was transmitted to the House for consideration.

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1st Sub. S.B. 104, JUDICIARY AMENDMENTS, was read the third time.

On motion of Senator Bell, the bill was circled.

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1st Sub. S.B. 26, PUBLIC UTILITIES AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Christensen	Davis	Dmitrich	Eastman

Evans	Fife	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Madsen	Mansell	Mayne
Peterson	Stephenson	Thomas	Waddoups

Walker Valentine

Absent or not voting were: Senators

Buttars Hillyard Julander

1st Sub. S.B. 26 was transmitted to the House for consideration.

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2nd Sub. S.B. 43, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard Julander

2nd Sub. S.B. 43 was transmitted to the House for consideration.

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S.B. 116, ARBITRATION – USE OF SUBPOENA AUTHORIZED, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich

Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Hillyard Julander Stephenson

S.B. 116 was transmitted to the House for consideration.

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On motion of Senator Eastman, legislative staff was authorized to draft a resolution honoring Delta Airlines.

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S.B. 118, IDENTIFY FRAUD AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Madsen	Mayne	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dmitrich Hillyard Julander Mansell

S.B. 118 was transmitted to the House for consideration.

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1st Sub. S.B. 44, GOVERNMENT RECORDS AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Jenkins	Killpack
Knudson	Madsen	Mayne	Peterson
Stephenson	Thomas	Waddoups	Walker

Absent or not voting were: Senators

Buttars Hillyard Julander Mansell

Valentine

1st Sub. S.B. 44 was transmitted to the House for consideration.

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1st Sub. S.B. 106, UTAH RELIGIOUS LAND USE ACT, was read the third time.

On motion of Senator Thomas, the bill was circled.

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S.B. 117, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Allen	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Jenkins	Killpack	Knudson
Madsen	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Voting in the negative was: Senator

Arent

Absent or not voting were: Senators

Hickman Hillyard Julander Mansell

S.B. 117 was transmitted to the House for consideration.

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S.J.R. 6, SPACE EXPLORATION RESOLUTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Jenkins
Knudson	Madsen	Mayne	Peterson
Stephenson	Thomas	Waddoups	Walker
371			

Valentine

Absent or not voting were: Senators

Hillyard Julander Killpack Mansell

S.J.R. 6 was transmitted to the House for consideration.

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S.B. 123, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Allen	Bell	Buttars	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Hale	Hatch	Hellewell
Hickman	Jenkins	Knudson	Madsen
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Arent	Bramble	Hillyard	Julander
Killpack	Mansell		

S.B. 123 was transmitted to the House for consideration.

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S.B. 125, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, was read the third time.

On motion of Senator Hellewell, the bill was circled.

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On motion of Senator Thomas, the circle was removed from **1st Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, and it was before the Senate. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

- 1. Page6, Lines 151 through 153
 - 151 (1) "Free exercise of religion" means an act or refusal to act that is substantially
 - 152 <u>motivated by sincere religious belief, whether or not the act or refusal is compulsory or central</u>
 - 153 to a larger system of religious belief , and includes the use, building, or conversion of real property for the purpose of religious exercise .

Senator Thomas' motion to amend passed on a voice vote. Senator Davis commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Julander

1st Sub. S.B. 106, as amended, was transmitted to the House for consideration.

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On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 104**, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Julander

1st Sub. S.B. 104 was transmitted to the House for consideration.

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Senator Allen made a motion to open a bill file regarding Senators reporting their own gifts. The motion failed on a voice vote.

SECOND READING CALENDAR

S.B. 128, CALCULATION OF INTEREST ON TAX OVERPAYMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bell Julander

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S.B. 133, INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS, was read the second time. Senator Stephenson explained the

bill. Senators Allen and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Davis Julander

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S.B. 42, ALCOHOL RESTRICTED DRIVERS, was read the second time. Senator Walker explained the bill. Senator Thomas commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Voting in the negative was: Senator

Hickman

Absent or not voting was: Senator

Julander

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On motion of Senator Bell, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bell, the circle was removed from **S.B. 89**, MUTUAL DEPENDENCE BENEFITS CONTRACT, and it was before the Senate.

On motion of Senator Bell, **S.B. 89**, MUTUAL DEPENDENCE BENEFITS CONTRACT, will be considered Tuesday, February 1, 2005 at 2:15 p.m.

On motion of Senator Knudson, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 109, SAFETY BELT ENFORCEMENT, was read the second time.

On motion of Senator Hale, the bill was circled.

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S.B. 124, MOTOR VEHICLE INSURANCE – PROPERTY DAMAGE LIMIT, was read the second time. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the enacting clause was struck on the bill. The bill was returned to Rules for filing.

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S.B. 47, WRONGFUL LIEN OFFENSES, was read the second time. Senator Evans explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Julander

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S.B. 73, TAMPERING WITH EVIDENCE, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	Peterson	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Julander

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S.B. 131, AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Waddoune	Walker	Valentine	

Waddoups Walker Valentine

Absent or not voting were: Senators

Buttars Julander

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S.R. 1, SENATE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREA OF THE AMERICAS, was read the second time.

On motion of Senator Thomas, the bill was circled.

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S.B. 46, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS, was read the second time.

On motion of Senator Knudson, the bill was circled.

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S.B. 107, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

- 1. Page 4, Lines 93 through 105
 - 93 (2) (a) "Boarding school" means a {-regionally accredited} } private school that:
 - (i) uses a regionally accredited education program;
 - 94 $\{-\underbrace{(i)}\}$ $\underline{(ii)}$ provides a residence to the school's students:
 - 95 (A) for the purpose of enabling the school's students to attend classes at the school; and
 - 96 (B) as an ancillary service to educating the students at the school;
 - 97 {—(iii) } (iii) has the primary purpose of providing the school's students with an education, as
 - 98 defined in Subsection (2)(b)(i); and
 - 99 {-(iii) } (iv) (A) does not provide the treatment or services described in Subsection (27)(a); or
 - 100 (B) provides the treatment or services described in Subsection (27)(a) on a limited
 - 101 basis, as described in Subsection (2)(b)(ii).
 - 102 (b) (i) For purposes of Subsection (2)(a) {-(ii)} } (iii) . "education" means a course of study for
 - 103 one or more of grades kindergarten through 12th grade.
 - 104 (ii) For purposes of Subsection (2)(a) {-(iii)} } (iv) (B), a private school provides the treatment or
 - 105 services described in Subsection (27)(a) on a limited basis if:
- 2. Page 7, Line 209:
 - 209 (c) Treatment is not a necessary component of residential support.

- (d) "Residential support" does not include residential services that are performed:
- (i) exclusively under contract with the Division of Services for People with Disabilities; and
 - (ii) in a facility that serves less than four individuals.
- 3. Page 12, Line 366 through Page 13, Line 378:
 - 366 (2) In establishing rules under Subsection (1)(a)(i)(G), the office shall require a
 - 367 <u>licensee to establish and comply with an emergency response plan</u> that requires clients and staff
 - 368 to:
 - 369 (a) immediately report to law enforcement any significant criminal activity, as defined by rule, committed:
 - 370 <u>(i) on the premises where the licensee operates its human services program;</u>
 - 371 (ii) by or against its clients; or
 - 372 (iii) by or against a staff member while the staff member is on duty:
 - 373 <u>(b) immediately report to emergency medical services any medical emergency</u> <u>as defined by rule</u> :
 - 374 (i) on the premises where the licensee operates its human services program;
 - 375 (ii) involving its clients; or
 - 376 (iii) involving a staff member while the staff member is on duty; and
 - 377 (c) immediately report other emergencies that occur on the premises where the licensee
 - 378 operates its human services program to the appropriate emergency services agency.
- 4. Page 15, Lines 444 through 447:
 - 444 [(1)] (2) [A] Subject to Subsection (8) or (9), a human services program may not be licensed
 - 445 to serve [children subject to compulsory education under Section 53A-11-101 or entitled to

- 446 **educational services under Section 53A–15–301**] <u>education</u> entitled children unless the <u>human</u>
- 447 <u>services</u> program presents <u>an educational service plan that includes</u> evidence:
- 5. Page 15, Lines 456 through 459:
 - 456 [(2)] (3) [If the] Subject to Subsection (8) or (9), if a human services program [is to be
 - 457 **permitted to serve any children**] serves any education entitled children whose custodial parents
 - 458 or legal guardians reside outside the state, then the program shall also provide <u>an educational</u>
 - 459 <u>funding plan that includes evidence:</u>
- 6. Page 16, Lines 466 through 468:
 - 466 (b) that all costs for educational services to be provided to [those students] the
 - 467 <u>education entitled children</u>, including tuition <u>a</u> and school fees approved by the local school
 - 468 board, shall be borne by the <u>human services</u> program.
- 7. Page 16, Lines 476 through 477:
 - 476 (4) Subject to Subsection (8) or (9), and in accordance with Subsection (2), the human
 - 477 services program shall obtain and provide the office with a letter:
- 8. Page 17, Line 516 through Page 18, Line 526:
 - 516 (8) A human services program that is an accredited private school:
 - 517 (a) for purposes of Subsection (2):
 - 518 <u>(i) is only required to submit</u> {-<u>an educational service plan</u> for approval by the office } proof to the office that the accreditation of the private school is current ; and
 - 519 (ii) is not required to submit an educational service plan for approval by an entity
 - 520 described in Subsection (2)(a)(ii):

- (b) for purposes of Subsection (3):
- 522 (i) is only required to submit {—an educational funding plan for approval by the office } proof to the office that all costs for educational services provided to education entitled children will be borne by the human services program ;
- 523 and
- 524 (ii) is not required to submit an educational funding plan for approval by an entity
- 525 described in Subsection (3)(a)(ii); and
- 526 (c) is not required to comply with Subsections (4) and (5).
- (9) Except for Subsection (7), the provisions of this section do not apply to a human services program that is:
 - (i) a foster home; and
 - (ii) required to be licensed by the office.
- 9. Page 31, Lines 937 through 938:
 - 937 (b) A licensee may not permit any person to have direct access to a child or a
 - 938 <u>vulnerable adult unless</u> <u>, subject to Subsection (5)(c),</u> <u>that person is:</u>
- 10. Page 31, Lines 946 through 951:
 - 946 (III) that person is directly supervised by a person associated with the licensee who is
 - 947 approved by the office to have direct access to children or vulnerable adults under this section;
 - 948 {-**or** }
 - 949 (ii) (A) not associated with the licensee; and
 - 950 (B) directly supervised by a person associated with the licensee who is approved by the
 - 951 office to have direct access to children or vulnerable adults under this section {-<u>i</u>}
 - (iii) the parent or guardian of the child or vulnerable adult; or (iv) a person approved by the parent or guardian of the child or vulnerable adult to have direct access to the child or vulnerable

<u>adult.</u>

(c) Notwithstanding Subsection (5)(b), a person may not have direct access to a child or a vulnerable adult if that person is prohibited by court order from having that access.

Senator Hatch's motion to amend passed on a voice vote. Senators Buttars, Bell, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Dmitrich	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hillyard	Jenkins	Killpack
Knudson	Madsen	Mayne	Peterson
Stephenson	Thomas	Walker	Valentine

Absent or not voting were: Senators

Davis Hickman Julander Mansell Waddoups

* * *

S.B. 129, BRINE SHRIMP ROYALTY ACT AMENDMENTS, was read the second time. Senator Hatch explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Dmitrich
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	Peterson	Stephenson	Thomas
Walker	Valentine	•	

Absent or not voting were: Senators

Hickman Julander Waddoups

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 1, 2005

The House passed, as amended, **H.B. 201**, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 201** was read the first time and referred to the Rules Committee.

TIME CERTAIN CALENDAR

On motion of Senator Knudson, on Friday, February 4, 2005 at 10:15 a.m. the Senate will hear from Ashley Boulter, Gina Bachauer Contestant.

On motion of Senator Knudson, on Friday, February 4, 2005 at 11:40 a.m. the Senate will recognize National Board–Certified Teachers.

* * *

On motion of Senator Knudson, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 1, 2005

The House passed **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, and it is transmitted for consideration; and

The House passed **H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 182, HISTORICAL LIVESTOCK TRAILS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.C.R.** 1, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 165, H.B. 168, 1st Sub. H.B. 182,** and **H.C.R. 1** were read the first time and referred to the Rules Committee.

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 24**, WASTE AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill.

1st Sub. S.B. 24, Waste Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

On motion of Senator Buttars, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, the Senate voted to move **2nd Sub. S.B. 34** to the top of the Second Reading Calendar.

Senator Bramble called for a point of order regarding the Time Certain Calendar. After discussion, the President ruled that discussion on the bill would continue.

2nd Sub. S.B. 34, PATIENT ACCESS REFORM, was read the second time.

Senator Buttars proposed the following amendment:

- 1. Page 3, Line 78
 - 78 Subsection (3)(a).
 - (4) This section does not apply when an individual's health maintenance organization benefit plan is a medicaid program under Title 26, Chapter 18, Medical Assistance Act.

Senator Buttars' motion to amend passed on a voice vote. Senator Bramble commented.

On motion of Senator Buttars, the bill was circled.

INTRODUCTION OF BILLS

S.B. 64, **Real Estate Transactions and Securities** (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

S.B. 208, **Rights of Way Across State and Institutional Trust Lands** (B. Evans), read the first time by short title and referred to the Rules Committee.

TIME CERTAIN CALENDAR

S.B. 89, MUTUAL DEPENDENCE BENEFITS CONTRACT, was before the Senate and explained by Senator Bell.

Senator Bell proposed the following amendment:

Page 6, Line 163d
 Senate 2nd Reading Amendments
 1–28–2005

163d Subsections 31A-21-104(2)(a) and (b).\$

- (6)(a) Nothing in this chapter, or a contract created under this chapter, may be construed to create, ratify, or recognize any relationship other than that of parties to a mutual dependence benefits contract.
- (b) Nothing in this chapter may be construed to give a contract the same or substantially equivalent legal effect as a marriage.
- (c) Nothing in this chapter grants a right to any party other than an express right selected by the parties to a contract under Subsection (2) or (3).

Senator Bell's motion to amend passed on a voice vote. Senators Allen, Hillyard, Hickman, and Thomas commented and the bill failed on the following roll call:

Yeas, 10; Nays, 18; Absent, 1.

Voting in the affirmative were: Senators

Allen Arent Bell Davis
Dmitrich Fife Hale Knudson
Mayne Walker

Voting in the negative were: Senators

Bramble Buttars Christensen Eastman Hickman Evans Hatch Hellewell Madsen Hillyard **Ienkins** Killpack Mansell Peterson Stephenson Thomas Valentine Waddoups

Absent or not voting was: Senator

Julander

S.B. 89 was filed.

* * *

On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 8**, LOCAL CORRIDOR PRESERVATION FUNDING, and it was before the Senate. Senator Killpack explained the bill.

Senator Hatch proposed the following amendment:

- 1. Page 1, Line 25 through Page 2, Line 27
 - 25 ▶ provides that unless otherwise provided by written agreement, the highway
 - 26 authority that holds the deed to the property is responsible for maintenance of the property and
 - 27 that transfer of ownership of property acquired shall be done with a **recorded deed and a** written agreement;
- 2. Page 10, Lines 299 through 301:
 - 299 (b) The transfer of ownership for property acquired under this section from one
 - 300 highway authority to another shall include a recorded deed for the property and a written agreement between the highway
 - 301 authorities.

Senator Hatch's motion to amend passed on a voice vote.

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Senator Stephenson proposed the following amendment:

- 1. Page 2, Lines 48 through 49
 - 48 an access management policy or ordinance in effect that meets certain
 - 49 requirements; {**-and**-}
 - requires a county or municipality to contribute an amount

equivalent to 10% of the cost of any improvements made to property that is acquired by the department if:

- the improvements are made on or after July 1, 2006;
- <u>•</u> <u>the improvement must be razed or destroyed for construction of a highway; and</u>
- <u>• the property becomes part of a state highway transportation corridor; and</u>
- 2. Page 3, Line 60

Senate 2nd Reading Amendments

1-24-2005:

60 72–2–117.5, Utah Code Annotated 1953

72–5–407, Utah Code Annotated 1953

- 3. Page 11, Line 317:
 - 317 real property under this section.

Section 4. Section 72–5–407 is enacted to read:

- 72-5-407. Local participation in corridor preservation costs.
- (1) A county or municipality shall contribute an amount equivalent to 10% of the cost of any improvements made to property within its jurisdiction if:
 - (a) the improvements are made on or after July 1, 2006;
- (b) the improvements must be razed or destroyed for construction of a highway:
 - (c) the department acquires the property; and
- (d) the property is in a high priority corridor designated under Section 72–2–117.
- (2) A county or municipality may pay the amount required under Subsection (1) from funds:
- (a) allocated to the county or municipality from the class B and class C roads account; or
- (b) funds available in the Local Transportation Corridor Preservation Fund created in Section 72–2–117.5.
 - (3) The payments required under this section shall be:
 - (a) paid to the department; and
- (b) used for the highway for which the property was acquired.

Renumber remaining sections accordingly.

Senator Stephenson's motion to amend failed on the following roll call vote:

Yeas, 5; Nays, 21; Absent, 3.

Voting in the affirmative were: Senators

Buttars Hellewell Mansell Hillyard

Stephenson

Voting in the negative were: Senators

Allen Arent Bramble Christensen Davis Dmitrich Eastman Evans Hale Hatch Hickman **Jenkins** Knudson Madsen Mayne Killpack Peterson **Thomas** Walker Waddoups

Valentine

Absent or not voting were: Senators

Bel1 Fife Julander

Senators Thomas, Eastman, Mansell, and Madsen commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators

Allen Arent Bel1 Buttars Christensen Dmitrich Eastman Fife Hale Hatch Killpack Knudson

Walker Valentine Mayne

Voting in the negative were: Senators

Davis Evans Hellewell Hickman Hillyard Jenkins Madsen Mansell Thomas Peterson Stephenson Waddoups

Absent or not voting were: Senators

Bramble Julander

Mr. President:

1st Sub. S.B. 8, as amended, was transmitted to the House for consideration.

COMMUNICATIONS FROM THE HOUSE

February 1, 2005 The House passed, as substituted and amended, 1st Sub. H.B. 40, SUNSET

OF TOWNSHIP PROVISION, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 198**, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 40** and **H.B. 198** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Knudson and at 3:05 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 2, 2005.

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	Transmitted to the House	
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	Read the first time by short title and referred to the Rules Committee.	13
	Assigned to standing committee Amendments	
	Amendments	63
	Read the second time	86
	Read the third time	
	Amendments	101 102
SD S LOCAL O	CORRIDOR PRESERVATION FUNDING (S. Killpack)	. 02
S.D. 6 LOCAL C	Pand the first time by short title and referred to the Pules Committee	12

	Assigned to standing committee 2 Placed on calendar 7	9
	Substituted	6
1st Sub. S.B. 8 1	LOCAL CORRIDOR PRESERVATION FUNDING (S. Killpack)	
	Read the second time 13 Circled 13	1
	Uncircled 15	
	Amendments	
	Read the third time	
	Circled	
	Uncircled 32 Amendments 32	
	Transmitted to the House	
S D O AEDOSD	ACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS (M. Dmitrich)	
S.B. 9 ALKOSI.	Read the first time by short title and referred to the Rules Committee	3
	Placed on calendar 2	9
	Read the second time	
	Circled	
	Uncircled 4 Read the third time 6	4
	Transmitted to the House	4
	Signed by the President and transmitted to the Governor	5
S.B. 10 LIABIL	ITY REFORM ACT AMENDMENTS (G. Bell)	
	Read the first time by short title and referred to the Rules Committee	
	Placed on calendar	
	Read the second time 3 Circled 3	
an 44 n.mm.		U
S.B. 11 — INITIAI	IVE PETITIONS AMENDMENTS (B. Evans) Read the first time by short title and referred to the Rules Committee	2
	Assigned to standing committee	
	Committee report adopted and placed on calendar	3
	Read the second time	5
	Read the third time 9 Transmitted to the House 10	
		U
S.B. 12 — DEPART	TMENT OF WORKFORCE SERVICES AMENDMENTS (S. Jenkins)	_
	Read the first time by short title and referred to the Rules Committee. 1 Placed on calendar 2	s a
	Read the second time	
	Read the third time	
	Transmitted to the House	7
	Signed by the President and transmitted to the Governor	9
S.B. 13 — INDIVII	DUAL INCOME TAX – SUBTRACTION FOR CERTAIN MILITARY INCOME (H. Stephenson)	_
	Read the first time by short title and referred to the Rules Committee	
		0
S.B. 14 UNIFOR	RM PARENTAGE ACT (L. Hillyard) Read the first time by short title and referred to the Rules Committee	3
	Assigned to standing committee	
	Placed on calendar	0
	Amendments	7
	Read the second time	
	Transmitted to the House	2
CD 15 CUII DI	REN'S JUSTICE CENTER AMENDMENTS (D. C. Buttars)	
5.B. 13 CHILDI	Read the first time by short title and referred to the Rules Committee	3
	Assigned to standing committee	7
	Placed on calendar	
	Amendments	
	Read the third time	
	Transmitted to the House	
SR 16 DEPART	TMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS (S. Jenkins)	
DEIAK	Read the first time by short title and referred to the Rules Committee.	3
	Assigned to standing committee	8
	Committee report adopted and placed on calendar	3
	Read the second time 8 Read the third time 10	
	Transmitted to the House 10	
	Signed by the President and transmitted to the Governor	
S.B. 17 FOSTEI	R CARE CITIZEN REVIEW BOARD (D. Eastman)	
	Read the first time by short title and referred to the Rules Committee	
	Placed on calendar	

	Read the second time 3 Read the third time 4 Transmitted to the House 4	17
S.B. 18 — REGULA	ATING PROPRIETARY POSTSECONDARY SCHOOLS (D. Eastman) Read the first time by short title and referred to the Rules Committee.	13
	Placed on calendar	29
	Read the third time	48
	Transmitted to the House	18 €1
S.B. 19 — DISEAS	E TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS (P. Julander) Read the first time by short title and referred to the Rules Committee.	13
	Assigned to standing committee	
S.B. 20 — OFFICE	OF LEGISLATIVE AUDITOR – ACCESS TO INFORMATION (M. Waddoups)	
	Read the first time by short title and referred to the Rules Committee	29
	Read the second time 4 Read the third time 6	48
	Read the fillst the House Cigned by the President and transmitted to the Governor 21	54
		5
S.B. 21 — LIMITAT	TION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS (D. Eastman) Read the first time by short title and referred to the Rules Committee	14
	Assigned to standing committee	26
	Placed on calendar Amendments	19 15
	Read the second time)4
	Amendments	
	Transmitted to the House	
S.B. 22 — DRUG C	OFFENDER REFORM ACT (D. C. Buttars)	
	Read the first time by short title and referred to the Rules Committee. 1 Placed on calendar 2	
	Read the second time	49
	Read the third time	
	Uncircled	31
	Amendments	
S.B. 23 — PROPER	TY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY (C. Bramble) Read the first time by short title and referred to the Rules Committee.	14
	Placed on calendar	29
	Read the second time	
	Read the third time	55
	Circled 6 Uncircled 10	
	Substituted	
1st Sub. S.B. 23	PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY (C. Bramble)	
	Circled 10 Uncircled 10	
	Transmitted to the House 10	
S.B. 24 — WASTE	AMENDMENTS (C. Bramble)	
	Read the first time by short title and referred to the Rules Committee	14 28
	Committee report adopted and placed on calendar	53
	Read the second time	
	Uncircled	28
	Read the third time	
	Uncircled	19
1st Sub. S.B. 24	Substituted	.9
150 5050 5121 2 1	Circled	19
S.B. 25 — TRANSI	PORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE (C. Walker) Read the first time by short title and referred to the Rules Committee.	14
S.B. 26 PURLIC	UTILITIES AMENDMENTS (G. Bell)	.0
S.D. 20 - I UDEIC	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee 2 Substituted 12	

1st Sub. S.B. 26 —	PUBLIC UTILITIES AMENDMENTS (G. Bell)	
	Amendments Committee report adopted and placed on calendar Read the second time Circled Uncircled Read the third time Transmitted to the House	124 265 265 270 303
	REAUTHORIZATIONS (L. A. Mansell) Read the first time by short title and referred to the Rules Committee. Placed on calendar Read the second time Circled Uncircled Read the third time Circled Uncircled Uncircled Transmitted to the House	. 29 . 51 . 51 126 147 147 148
S.B. 28 — REAUTI	IORIZATION OF ENERGY POLICY TASK FORCE (D. Eastman) Read the first time by short title and referred to the Rules Committee. Placed on calendar Read the second time Returned to the Rules Committee	. 29 . 51
	ING OF CRANE OPERATORS (G. Davis) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	
S.B. 30 — AMEND	MENTS TO SEARCH WARRANTS (D. Thomas) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Placed on calendar Read the second time Read the third time Circled Uncircled Transmitted to the House	. 14 . 27 . 80 173 206 206 208
S.B. 31 — LOCAL	GOVERNMENT AMENDMENTS (D. Thomas) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Amendments Committee report adopted and placed on calendar	. 14 . 26 255
S.B. 32 — LIMITAT	ION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION (G. Bell) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Placed on calendar Read the second time Amendments Read the third time Transmitted to the House	. 14 . 26 . 79 125 125 146
S.B. 33 — EXEMPT	TIONS TO RESIDENTIAL PROPERTY TAX (E. Mayne) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	. 14
S.B. 34 — PATIENT	ACCESS REFORM (D. C. Buttars) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Substituted	. 60
	PATIENT ACCESS REFORM (D. C. Buttars) Committee report adopted and placed on calendar Read the second time Amendments Circled	319 319
S.B. 35 — VENTUI	RE CAPITAL FUNDING AMENDMENTS (D. Thomas) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Circled Uncircled Substituted	. 15 . 28 . 63 . 87 . 87
	RELATIONSHIPS WITH VENTURE CAPITAL ENTITIES (D. Thomas) Read the third time Amendments	170

S.B. 36 — SALES A	AND USE TAXATION OF PAWN TRANSACTIONS (R. Allen)	_
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	8
	Amendments 6 Committee report adopted and placed on calendar 6	11
	Read the second time	
	Read the third time	1
	Transmitted to the House	1
S.B. 37 MOTOR	VEHICLE BUSINESS REGULATION ACT AMENDMENTS (D. Eastman)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Placed on calendar	
	Amendments 7 Read the second time 14	
	Read the second time 14 Read the third time 17	
	Transmitted to the House	
CD 20 CADNIC	SHMENT BY DEFERRED DEPOSIT LENDERS (R. Allen)	
5.D. 36 GARNIS	Read the first time by short title and referred to the Rules Committee	5
	Assigned to standing committee	
CD 20 CONCIL	MER CREDIT PROTECTION (C. Walker)	
3.B. 39 CONSU	Read the first time by short title and referred to the Rules Committee	5
	Assigned to standing committee	
	Committee report adopted and placed on calendar	1
S B 40 REGIII	ATION OF TITLE INSURANCE INDUSTRY (T. Hatch)	
S.D. 40 REGUE	Read the first time by short title and referred to the Rules Committee	5
	Assigned to standing committee 6	60
	Committee report adopted and placed on calendar	
	Read the second time	
	Amendments	
	Read the third time	
		. 1
S.B. 41 — SCHOO	L AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS (M. Dmitrich)	-
	Read the first time by short title and referred to the Rules Committee. 1 Assigned to standing committee 6	.o m
		10
S.B. 42 — ALCOH	OL RESTRICTED DRIVERS (C. Walker) Pand the first time by about title and referred to the Dules Committee	15
	Read the first time by short title and referred to the Rules Committee	
	Amendments	66
	Committee report adopted and placed on calendar	9
	Read the second time	
S.B. 43 — PENALT	Y FOR PROVIDING FALSE INFORMATION TO STATE AGENCY (P. Hellewell)	
	Read the first time by short title and referred to the Rules Committee	15
	Assigned to standing committee	
	Committee report adopted and placed on calendar	4
	Read the second time	
	Substituted	4
2nd Sub. S.B. 43 —	- PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY (P. Hellewell)	
	Circled	
	Uncircled 27 Read the third time 30	
	Transmitted to the House 30	
S R 44 GOVED	NMENT RECORDS AMENDMENTS (C. Walker)	
5.D. 44 GOVER	Read the first time by short title and referred to the Rules Committee	15
	Assigned to standing committee	
	Substituted	
1st Sub. S.B. 44	GOVERNMENT RECORDS AMENDMENTS (C. Walker)	
150 5451 5121 11	Committee report adopted and placed on calendar	16
	Read the second time	2
	Amendments	
	Read the third time	15
	Transmitted to the House	Ю
S.B. 45 — CHARIT	ABLE PURPOSE DETERMINATION (P. Hellewell)	
	Read the first time by short title and referred to the Rules Committee	13
	Assigned to standing committee	4
S.B. 46 — PRESCR	RIPTIVE PRACTICE OF LEGEND DRUGS (P. Knudson)	
	Read the first time by short title and referred to the Rules Committee. 6 Assigned to standing committee . 7	15 11
	Assigned to standing committee	
	Committee report adopted and placed on calendar 20	ر 14
	Read the second time 31	2
	Circled	3

S.B. 47 WRONG	GFUL LIEN OFFENSES (B. Evans)	
	Read the first time by short title and referred to the Rules Committee.	. 98
	Assigned to standing committee	120
	Committee report adopted and placed on calendar Read the second time	211
		311
S.B. 48 — INSURA	ANCE CANCELLATION AND NONRENEWAL RESTRICTIONS (P. Arent)	00
	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	120
	Substituted	297
1-4 C-1- C D 40	- INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS (P. Arent)	
18t Sub. 5.D. 46	Amendments	207
	Committee report adopted and placed on calendar	301
CD 40 MOTOR	R VEHICLE LIABILITY COVERAGE AMENDMENTS (D. Eastman)	
5.B. 49 MOTOR	Read the first time by short title and referred to the Rules Committee	98
	Assigned to standing committee	
	Amendments	194
	Committee report adopted and placed on calendar	204
S.B. 50 CONTR	OLLED SUBSTANCE AMENDMENTS (P. Julander)	
	Read the first time by short title and referred to the Rules Committee.	124
	Assigned to standing committee	144
S.B. 51 NEW M	IOTOR VEHICLE FRANCHISE ACT AMENDMENTS (D. Eastman)	
	Read the first time by short title and referred to the Rules Committee.	124
	Assigned to standing committee	144
S.B. 52 PRICE	CONTROLS DURING EMERGENCIES ACT (P. Arent)	
	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee Amendments	
	Committee report adopted and placed on calendar	
CD 53 LANDS	• •	501
S.B. 53 — LAND	VALUE PROPERTY TAX STUDY (H. Stephenson) Read the first time by short title and referred to the Rules Committee	160
	Assigned to standing committee	
	Committee report adopted and placed on calendar	263
S.B. 54 PROPE	RTY TAX CONFIDENTIALITY AMENDMENTS (H. Stephenson)	
DIDITE: TROTE	Read the first time by short title and referred to the Rules Committee.	169
	Assigned to standing committee Committee report adopted and placed on calendar	193
	Committee report adopted and placed on calendar	263
S.B. 55 ACCES	S TO PATIENT MEDICAL RECORDS (P. Arent)	
	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee	201
		301
S.B. 56 — REAL E	STATE LISTING AGREEMENT PROVISIONS (L. A. Mansell) Read the first time by short title and referred to the Rules Committee	205
	Assigned to standing committee	
CD FF HOLOT		230
S.B. 57 USE OF	STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES (P. Knudson)	
	Read the first time by short title and referred to the Rules Committee.	233
	Assigned to standing committee	
SR 58 IIABII	ITY PROTECTION OF EDUCATORS (H. Stephenson)	
5.D. 56 — LIADIL	Read the first time by short title and referred to the Rules Committee	233
	Assigned to standing committee	254
S.B. 59 HOME:	SCHOOL AMENDMENTS (M. Madsen)	
DIDITO HOME	Read the first time by short title and referred to the Rules Committee.	234
	Assigned to standing committee	254
S.B. 61 GROSS	RECEIPTS TAX ON PRIVATELY OWNED HEALTH CARE ORGANIZATIONS (M. Waddoups)	
	Read the first time by short title and referred to the Rules Committee.	264
S.B. 64 REAL F	STATE TRANSACTIONS AND SECURITIES (L. A. Mansell)	
o.b. o. hand	Read the first time by short title and referred to the Rules Committee.	319
S R 71 SECUE	ITY PERSONNEL LICENSING AMENDMENTS (G. Davis)	
3.D. /1 SECOR	Read the first time by short title and referred to the Rules Committee.	234
	Assigned to standing committee	254
S.B. 72 CHILD	WELFARE AMENDMENTS (D. Eastman)	
J.J. II - CIIILD	Read the first time by short title and referred to the Rules Committee	169
	Assigned to standing committee	192
	Amendments	299
	Committee report adopted and placed on calendar	301
S.B. 73 — TAMPE	RING WITH EVIDENCE (D. C. Buttars)	
	Read the first time by short title and referred to the Rules Committee	. 80

	Assigned to standing committee Committee report adopted and placed on calendar Read the second time 3	69
	AL RESERVE CORPS (L. Hillyard) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar 2	96
	SAFETY DATABASE AMENDMENTS (M. Waddoups) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	
	MENTS TO NAVAJO TRUST FUND (B. Evans) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time 1 Transmitted to the House	26 63 85
S.B. 77 — AMEND	Transmitted to the House	15 27 21
	Committee report adopted and placed on calendar 1 Read the second time 2 Amendments 2 Read the third time 2 Circled 2	213 213 235
S.B. 78 — OPTION	AL FORMS OF COUNTY GOVERNMENT AMENDMENT (D. Thomas) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time 1 Transmitted to the House 1	26 63 85 100
S.B. 79 — EXTENS	SION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE (B. Evans) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Placed on calendar Amendments Read the second time 1 Circled 1 Uncircled 1 Transmitted to the House 1	27 79 75 131 131 149 170
S.B. 80 — SPECIAI	L SERVICE DISTRICTS – SERVICE EXPANSION (M. Dmitrich) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	16
S.B. 81 — LOCAL	GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL (B. Evans) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Placed on calendar Read the second time 1 Uncircled 1 Read the third time 1 Read the third time 1 Transmitted to the House 1	16 27 79 131 131 150
S.B. 82 — INDIVID	OUAL INCOME TAX – EARNED INCOME TAX CREDIT (T. Hatch) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	16 28
S.B. 83 — MEDICA	AL DECISIONS OF A PARENT OR GUARDIAN (D. Thomas) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Placed on calendar Read the second time 1 Amendments 1 Read the third time 1 Transmitted to the House 1	27 79 128 128 147
S.B. 84 — DO NOT	CALL REGISTRY AMENDMENTS (D. Thomas) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	

S.B. 85 — FEDER.	AL RESEARCH COMMITTEE (G. Davis)	
	Read the first time by short title and referred to the Rules Committee.	. 16
	Assigned to standing committee	. 27
S.B. 86 2004 GF	ENERAL OBLIGATION BOND AMENDMENTS (P. Knudson)	
	Read the first time by short title and referred to the Rules Committee.	. 16
	Assigned to standing committee	. 27
	Amendments	97
	Read the second time	176
	Amendments	176
	Read the third time Transmitted to the House	209
	Transmitted to the House	209
S.B. 87 RESIDE	ENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS (D. Thomas)	
	Read the first time by short title and referred to the Rules Committee.	. 16
	Assigned to standing committee	. 26 124
	Read the second time	179
	Read the third time	
	Transmitted to the House	211
S.B. 88 — CREATI	ON OF LOCAL DISTRICTS (C. Walker)	
	Read the first time by short title and referred to the Rules Committee.	. 16
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time Read the third time	200
	Transmitted to the House	209
CD OO MITTIL	AL DEPENDENCE BENEFITS CONTRACT (G. Bell)	
3.D. 69 — MOTOF	Read the first time by short title and referred to the Rules Committee	16
	Assigned to standing committee	
	Committee report adopted and placed on calendar	124
	Read the second time	235
	Amendments	
	Read the third time Circled	264
	Uncircled	
	Before the Senate	320
	Placed on Time Certain Calendar	
	Amendments	320
	Failed Filed	
an aa aarn		321
S.B. 90 COUNT	'Y OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS (D. Thomas)	
	Read the first time by short title and referred to the Rules Committee.	. 16
	Assigned to standing committee	
	Committee report adopted and placed on calendar	. 98
	Read the second time	177
	Read the third time Transmitted to the House	209
		210
S.B. 91 — INTERS	TATE JUVENILE COMPACT (L. Hillyard)	10
	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	. 10
	Placed on calendar	. 80
	Read the second time	174
	Read the third time Transmitted to the House	206
	Transmitted to the House	206
S.B. 92 UTAH A	ATTORNEY'S FEES RECOVERY ACT (D. Thomas)	
	Read the first time by short title and referred to the Rules Committee.	. 16
	Assigned to standing committee Substituted	. 27
		204
1st Sub. S.B. 92	UTAH ATTORNEY'S FEES RECOVERY ACT (D. Thomas)	20.4
	Committee report adopted and placed on calendar	204
S.B. 93 — CHILDI	REN'S JUSTICE CENTER ADDITION (T. Hatch)	
	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee Placed on calendar	
	Read the second time	
	Read the third time	207
	Transmitted to the House	207
S.B. 94 RESTIT	UTION AMENDMENTS (G. Bell)	
	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee	. 27

Rea Rea	ced on calendar 1 dd the second time 1 dd the third time 2 nsmitted to the House 2	75 07
Rea Ass Cor Rea Rea	MUSEUM SERVICES AMENDMENTS (R. Allen) dthe first time by short title and referred to the Rules Committee. signed to standing committee mittee report adopted and placed on calendar dthe second time dthe third time simitted to the House 1 ned by the President and transmitted to the Governor 2	28 63 87 03
S.B. 96 — COMMERCI Rea	ned by the President and transmitted to the Governor 2 E SERVICE FUND AMENDMENTS (G. Bell) In the first time by short title and referred to the Rules Committee. igned to standing committee	17
Rea Ass Am Cor Rea Rea	ATION OF CITY AND COUNTY LIBRARY (G. Bell) dd the first time by short title and referred to the Rules Committee. signed to standing committee endments mmittee report adopted and placed on calendar dd the second time dd the third time 2 nsmitted to the House 22	27 97 98 77
Rea Ass Cor Rea Rea Tra	HICLE REGISTRATION AND TITLE AMENDMENTS (S. Killpack) dt the first time by short title and referred to the Rules Committee. signed to standing committee mmittee report adopted and placed on calendar dt the second time dt the second time 3 nsmitted to the House 3 3	28 24 66
Rea	FOR TRESPASS IN STATE PARKS (T. Hatch) ad the first time by short title and referred to the Rules Committee	
Rea Pla Rea Cir Und Am Rea Tra	O HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX (S. Killpack) dd the first time by short title and referred to the Rules Committee. ced on calendar dd the second time cled sircled endments dd the second and third time nsmitted to the House ned by the President and transmitted to the Governor	29 31 31 31 31 32 32
Rea Plac Rea Rea	MINISTRATIVE RULEMAKING ACT REVISION (H. Stephenson) ad the first time by short title and referred to the Rules Committee. ced on calendar d the second time dd the short time nsmitted to the House	29 52 65
Rea	REPORTING AMENDMENTS (G. Bell) Id the first time by short title and referred to the Rules Committee. igned to standing committee	
S.B. 103 — LIENS ON Rea Ass Pla Rea Am Rea		17 26 79 27 27 47
S.B. 104 — JUDICIARY Rea Ass	AMENDMENTS (<i>L. Hillyard</i>) In the first time by short title and referred to the Rules Committee. Igned to standing committee stituted 1	17 27
Cor Rea Am Rea Cir Und	DICIARY AMENDMENTS (L. Hillyard)	68 69 03 03 08

S.B. 105 JUDGN	MENT INTEREST RATE (S. Jenkins)	
	Read the first time by short title and referred to the Rules Committee.	17
	Assigned to standing committee	21
S.B. 106 UTAH	RELIGIOUS LAND USE ACT (D. Thomas)	
	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	17
	Substituted	45
1 of Cub C D 106	- UTAH RELIGIOUS LAND USE ACT (D. Thomas)	
18t Sub. S.D. 100	Committee report adopted and placed on calendar	46
	Read the second time	274
	Amendments	
	Read the third time	
	Circled 3 Uncircled 3	
	Amendments	308
	Transmitted to the House	
S.B. 107 LICEN	SURE AND REGULATION OF PROGRAMS AND FACILITIES (T. Hatch)	
DIDITO!	Read the first time by short title and referred to the Rules Committee.	17
	Assigned to standing committee	27
	Committee report adopted and placed on calendar	204
	Read the second time 3 Amendments 3	113
an 400 mm no		11.
S.B. 108 TELEC	OMMUNICATIONS REVISIONS (C. Bramble) Read the first time by short title and referred to the Rules Committee.	17
	Assigned to standing committee	28
	Assigned to standing committee	23
1st Sub. S.B. 108	- TELECOMMUNICATIONS REVISIONS (C. Bramble)	
150 5451 5121 100	Amendments	23
	Committee report adopted and placed on calendar	124
	Read the second time	
	Read the third time	
		103
S.B. 109 — SAFET	Y BELT ENFORCEMENT (K. Hale) Read the first time by short title and referred to the Rules Committee	10
	Assigned to standing committee	
	Committee report adopted and placed on calendar	69
	Read the second time	311
	Circled	311
S.B. 110 MEDIC	CAL DEVICE NOTIFICATION AND LIABILITY (D. C. Buttars)	
	Read the first time by short title and referred to the Rules Committee.	18
	Assigned to standing committee Substituted 2	60
		204
2nd Sub. S.B. 110 -	MEDICAL DEVICE NOTIFICATION AND LIABILITY (D. C. Buttars)	
	Committee report adopted and placed on calendar	204
S.B. 111 — AMEN	DMENTS PROHIBITING HEALTH INSURANCE DISCRIMINATION (P. Julander)	
	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	7/
		/-
S.B. 112 — CHILD	PROTECTION AMENDMENTS (G. Bell) Read the first time by short title and referred to the Rules Committee.	10
	Assigned to standing committee	
	Committee report adopted and placed on calendar	24
	Read the second time	236
	Circled	:37
	Uncircled 2 Amendments 2	267
	Enacting Clause Stricken 2	268
S D 112 EMDI	DYEE NONCOMPETITION CONTRACTS (E. Mayne)	
5.B. 113 EMPLO	Read the first time by short title and referred to the Rules Committee	45
	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	60
S.B. 114 COUN	TY AND MUNICIPAL ZONING REGARDING BILLBOARDS (M. Waddoups)	
	Read the first time by short title and referred to the Rules Committee.	45
	Assigned to standing committee	60
	Committee report adopted and placed on calendar	46
	Read the second time 2 Circled 2	1/5
		.12
S.B. 115 — PERMA	ANENT TOTAL DISABILITY AMENDMENTS (E. Mayne)	4.
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	Read the second time	

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S.B. 116 — ARBIT	RATION – USE OF SUBPOENA AUTHORIZED (D. Eastman) Read the first time by short title and referred to the Rules Committee.	63
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	Read the third time Transmitted to the House	304
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	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar	. 74
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S.B. 118 — IDENT	ITY FRAUD AMENDMENTS (C. Walker)	
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	Read the second time Read the third time Transmitted to the House	271 305 305
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	Assigned to standing committee Amendments	. 96
	Committee report adopted and placed on calendar Read the second time	124 237
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S.B. 122 — NONRI	ESIDENT TUTTION WAIVER FOR JOB CORPS STUDENTS (G. Bell) Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee Substituted	. 96
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Let Cub C D 122	Read the second time	237
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S.B. 123 — GOVE	RNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS (G. Bell) Read the first time by short title and referred to the Rules Committee	. 80
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S.B. 124 — MOTO	R VEHICLE INSURANCE – PROPERTY DAMAGE LIMIT (S. Jenkins) Read the first time by short title and referred to the Rules Committee	
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	DMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS (P. Hellewell) Read the first time by short title and referred to the Rules Committee	80

	Assigned to standing committee Amendments Committee report adopted and placed on calendar	165
	Read the second time Read the third time Circled	277 307
CD 126 MEDI	CAL BENEFITS RECOVERY ACT AMENDMENTS (S. Killpack)	500
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S.B. 127 — TAX, I	FEE, OR CHARGE AMENDMENTS (L. Hillyard)	
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S.B. 128 — CALC	ULATION OF INTEREST ON TAX OVERPAYMENTS (H. Stephenson)	
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